



OFFICE OF THE
BOARD OF APPEALS
TOWN OF DUNSTABLE
TOWN HALL
511 MAIN STREET
DUNSTABLE, MA 01827-1313

Approved
May 1, 2008

Pallis Hearing Minutes
February 26, 2008

Members Present: Wesley Goss, Chairperson
Judy Thompson, Member
Lisa O'Connell, Recording Secretary and Associate Member

Members Absent: Alice Ekstrom, Member
Joshua West, Clerk
Leo Tometich, Member
Al Horton, Associate Member

Petitioners Present: Mr. and Mrs. Jeffrey Pallis
Bob Frye, Builder

Abutters Present: Robert Kennedy, 346 High Street, Dunstable

This meeting's intent was to file a formal decision with the Town Clerk regarding the application of Jeffrey Pallis for the property located at 224 High Street, Dunstable, MA for a variance from Section 6.1(a) of the Town of Dunstable Zoning By-laws to remain in the existing residence while a new primary dwelling is being constructed and to convert the old residence into a barn, subsequent to the completion of the new dwelling.

The applicant is also requesting a special permit for an in-law apartment to be constructed as part of the new residence. Please reference sections 6.1(a) and 6.2(g) of the Dunstable Zoning by-laws and any other applicable bylaws.

Chairman, Wes Goss called the meeting to order at 7:05 p.m. Wes stated that the board would hear evidence on the in-law apartment last as the other details of the case were more complex and should be dealt with first. He distributed copies of the advice and recommendations from Town Counsel, Rich Larkin as follows:

This case is not actually a variance but should be treated as an Administrative Appeal because two houses on one lot are prohibited by the Dunstable Bylaws. The petitioner is here because in the past we've allowed these cases as the Board has found a way to legally characterize this as a temporary situation. It is not actually two permanent houses on one lot, but a delay in getting the second house removed. It is still within the

meaning of the bylaw. The Board needs to ascertain that we can guarantee the same result in this situation.

The case before the board tonight is something different. The old house will be converted to a barn. The Board must decide whether or not demolishing the building is the same thing as a conversion.

Things to consider:

- *That the conversion does not result or viewed as a danger or an eyesore.*
- *Security in hand is needed as a guarantee that the conversion will take place within a reasonable amount of time. An amount of cash should be held to cover all expenses to demolish the property and resurface the area.*
- *Reasonable date of completion by agreement.*
- *A detailed plan of the barn and what the final barn will look like.*
- *If the Board decides to grant relief, the Board will frame a decision based on if the conversion is not completed by the agreed upon date, the money escrowed will allow for the town to demolish the house at the petitioners expense.*
- *How a house is turned into a barn. Some guidance/education is needed from the petitioner/builder with detailed set of plans.*

Old Variance:

The Board notes that a 1995 easement/variance was granted to build a barn in front of the residence. The Board accepts the variance decision as found. In the opinion of Town Counsel, the position of the old barn is not particularly relevant to what's before the Board now. The granting of the easement of the first situation seems sound considering the great distant of all of these buildings from the road and the topographical hardship that was found.

Bob Frye asked if a bond was sufficient as the security in hand.

Lisa O'Connell said that the recommendation of the Town Council was cash held in escrow in the names of the town and the petitioner.

Bob Frye asked who collected the interest.

Lisa O'Connell said that she assumed the petitioner does as the town has not profited from this situation in the past. She said in the past, petitioners would get an estimate from companies on the demolition of the building in order to decide how much should be held in escrow.

Bob Kennedy asked if the petitioner would consider dividing the land into two lots to alleviate the need for this decision.

Jeff Pallis said that he wasn't inclined to do that as he wanted his children to inherit one large piece of land and that he thought the intent of the town was to keep large parcels intact.

Lisa O'Connell asked if he couldn't recombine the land once the project was done.

Bob Frye said the land could be put into 61A to reduce taxes on the property.

Discussion took place on the septic systems, both the new and the old one. Lisa O'Connell said that she spoke to Bridget from the Nashoba Board of Health and said that the applicant would apply to the board for a new septic system for the new house. Once the plans are approved, they will need a certification of compliance to use the complete system. The certification of compliance will be contingent on abandoning the old system according to Title 5 which means, pumping it out, crushing the tank and filling the cavity with sand.

Jeff Pallis said that they would like to have water and plumbing in the old house/new barn for a bathroom and sink and asked if they could keep the old septic system.

Wes Goss said he was under the impression that there was only allowed one septic system per property.

Bob Frye said he would contact the Nashoba Board of Health regarding this matter.

Jeff Pallis said that after they built the new house, they would convert the old house into a barn as funds permitted and didn't have a completion date for this project.

Mrs. Pallis said that regarding the safety issue, they have small children and would not leave the old house to become unsafe.

Bob Frye asked if they could possibly have a two year completion date for the entire project.

Wes Goss said that he would check with Town Council on the questions at hand.

Judy Thompson asked the size of the property.

Jeff Pallis said there are 16 acres.

Judy Thompson motioned to continue the hearing until Thursday, March 6, 2008 at 7:00 p.m. at the Dunstable Town Hall. Lisa O'Connell seconded the motion and all were in favor.

Judy Thompson motioned to adjourn the meeting. Lisa O'Connell seconded the motion and all were in favor. The meeting was adjourned at 7:35 p.m.